

SENATE JOURNAL

Fifty-sixth Legislature—Third Called Session

AUSTIN, TEXAS, FRIDAY, JULY 17, 1959

PROCEEDINGS

FIRST DAY

(Friday, July 17, 1959)

In obedience to the proclamation of the Honorable Price Daniel, Governor of the State of Texas, the Senate met in the Senate Chamber at the City of Austin, on the 17th day of July, 1959, at 10:00 o'clock a.m. and was called to order by the President.

Temporary Officers

The President announced the appointment of the following as temporary officers of the Senate:

Secretary, Charles Schnabel.
Journal Clerk, Minnie Meier.
Calendar Clerk, Martha Turner.
Doorkeeper, Charles Jones.
Sergeant-at-Arms, John Dorman.
Chaplain, Reverend W. H. Townsend.

Quorum Present

The President directed the Secretary to call the roll of the Senate.

The roll was called and the following Senators were present:

Aikin	Lane
Bradshaw	Martin
Colson	Moffett
Crump	Moore
Dies	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Willis
Krueger	Wood

Absent—Excused

Baker	Smith
Fly	Weinert
Ratliff	

The President announced a quorum of the Senate present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God, our Father, Thou hast told us not to grow weary in well doing, for in due season we shall reap, if we faint not. Teach us now that it takes time for a child to become a man, or grow a crop; and comfort us with the assurance, they that sow in tears shall reap in joy. We pray in Christ's name. Amen."

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Baker was granted leave of absence for today on account of important business on motion of Senator Phillips.

Senator Fly was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Smith was granted leave of absence for today on account of important business on motion of Senator Martin.

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Aikin.

Proclamation by Governor Calling Special Session

The President laid before the Senate and directed the Secretary to read the Proclamation from the Governor:

PROCLAMATION

by the

GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Price Daniel, Governor of the

State of Texas, do by virtue of authority vested in me by the Constitution of Texas, hereby call a special session, 56th Legislature, to be convened in the City of Austin, commencing at 10 a.m., Friday, the 17th day of July, A.D., 1959, for the following purposes:

1. To provide for the retirement of the deficit in the State Treasury existing for the present fiscal year ending August 31, 1959, by the enactment of sufficient revenue raising measures.

2. To enact appropriations for general State services authorized under existing law or Acts of the 56th Legislature, Regular Session and First and Second Called Sessions, for the biennium beginning September 1, 1959, and ending August 31, 1961, and to provide sufficient new revenue to finance such appropriations. Specifically, this call does not include the submission of appropriations or the raising of revenue for purposes not heretofore authorized by existing laws or enactments of the Regular Session and First and Second Called Sessions of the 56th Legislature.

3. To provide for adequate procedures for the custody, reporting and escheat of property to which the State is entitled under present laws and amendments relating thereto.

4. To consider and act on such other subjects and questions as the Governor may submit from time to time.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this sixteenth day of July, A.D., 1959, under the Seal of this State properly attested by the Secretary of State.

(SEAL) /s/ PRICE DANIEL
Governor

ATTEST:

/s/ Zollie Steakley
Secretary of State

The Proclamation was read and was filed with the Secretary of the Senate.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five Members to notify the Governor that the Senate is organized and ready for business.

The motion was adopted.

Accordingly the President announced the appointment of the following Committee to notify the Governor that the Senate was organized:

Senators Phillips, Parkhouse, Reagan, Crump and Moore.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five Members to notify the House that the Senate is organized and ready for business.

The motion was adopted.

Accordingly, the President announced the appointment of the following as a committee to notify the House that the Senate was organized:

Senators Colson, Herring, Secrest, Aikin and Rogers.

Senate Resolution 1

Senator Aikin offered the following resolution:

Austin, Texas,
July 17, 1959.

Hon. Ben Ramsey
Lieutenant Governor
Senate of Texas
Austin, Texas

Sir: At a caucus held in the office of the Senate attended by 22 members of the Senate, the following recommendations were made, to wit:

The following officers were elected to serve for the 56th Legislature, Third Called Session, and at the salaries set opposite their names:

Secretary of the Senate, Charles Schnabel, \$500.00 per month.

Three Assistant Secretaries of the Senate, which shall be appointed by the Secretary of the Senate, \$14.00 per day.

Journal Clerk, Mrs. Minnie Meier, \$15.00 per day.

Sergeant-at-Arms, for the duration of the Third Called Session, John Dorman, \$16.50 per day.

Doorkeeper, Charlie Jones, \$13.00.

Chaplain, Rev. W. H. Townsend, \$11.00.

Calendar Clerk, Mrs. Martha Turner, \$14.00.

Engrossing and Enrolling Clerk, Miss Essie McGinnis, \$19.00.

Postmistress, Mrs. Vance Stockton, \$14.00.

Mailing Clerk, Mrs. John Draper, \$14.00.

Parliamentarian, named by the Lieutenant Governor, Miss Nancy Moody, \$16.50.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name one secretary, the secretary of the Lieutenant Governor to receive \$16.00 per day and the secretary of the Secretary of the Senate to receive \$14.00 per day. The salaries of other employees of the Senate may be supplemented at the discretion of the Contingent Expense Committee. All officers and employees elected by this Caucus shall hold their office or employment for the duration of the Third Called Session of the 56th Legislature.

It is further recommended that each Senator shall be permitted to employ a secretary and other office help at a maximum payroll of \$38.00 per day for each such Senator's secretary and employees with the maximum pay of \$14.00 per day for any such secretary or other office employee. The names of such employees shall be referred to an assignment committee hereinafter provided for and such committee shall be authorized to select employees from such list. Salaries of other employees, unless otherwise fixed by the Senator, shall be \$12.00 per day.

It is further recommended that the Lieutenant Governor be authorized to name a committee of five, such committee shall be designated as an Assignment Committee for the purpose of assigning employees as herein authorized and the committee be authorized to select sufficient additional employees to be assigned by it when and where needed.

It is further recommended that the employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting be allowed pay for their services.

It is further recommended that the several appointments of employees

heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$8.00 per day each, and the salaries of the porters shall be \$7.00 per day each, except the head porter whose salary shall be \$12.00 per day and the porter carrying the mail shall receive \$7.00 per day, and the salaries of the pages shall be \$5.00 per day, and the salaries of the messengers shall be \$6.50 per day.

The Lieutenant Governor is requested to recommend that the Southwestern Bell Telephone Company employ Miss Mary Jacobs to attend the duties of the telephone operator of the Senate, and a night operator be named by the assignment committee, out of the employees whose names are filed with said committee.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate, shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o'clock a.m., and one o'clock p.m., each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Lieutenant Governor, each Senator

and the Secretary of the Senate, be allowed the stationery and postage needed by them, respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 1700 journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 journals shall be furnished the members of the House. It is further recommended that the State Library be furnished 75 copies of the daily journals.

It is further recommended that the Senate request the State Comptroller of Public Accounts, to issue general revenue warrants for pay of the members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that each Senator, the Lieutenant Governor, the Secretary of the Senate, and the Librarian be permitted to subscribe for 4 newspapers to be paid for out of the contingent fund.

The elected officers of the Senate may select, subject to the approval of the Contingent Expense Committee, employees to fill such key positions as may be authorized by said committee.

It is further recommended that the President of the Senate has exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as in his judgment may be necessary.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the Chairman of the Assignment Committee aforesaid the names of the employees selected, together with his or her post office address.

Be it further resolved, That no employee of the Senate except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, which, when performed, he will immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have the privileges of the floor during the sessions of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,

AIKIN, Acting Chairman.
HAZLEWOOD, Secretary.

The resolution was read and was adopted.

Record of Vote

Senator Moffett asked to be recorded as voting "Nay" on the adoption of the above resolution.

Senate Resolution 2

Senator Aikin offered the following resolution:

Resolved, That the permanent rules of the Senate of the 56th Legislature as adopted by the Senate on January 13, 1959, and as published in the Manual of the 55th Legislature, be adopted as the permanent rules of the Senate for the Third Called Session of the 56th Legislature.

The resolution was read and was adopted by the following vote:

Yeas—26

Aikin	Lane
Bradshaw	Martin
Colson	Moffett
Crump	Moore
Dies	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Willis
Krueger	Wood

Absent—Excused

Baker	Smith
Fly	Weinert
Ratliff	

**Oath of Office Administered
to Officers of the Senate**

The President requested the elected officers of the Senate to proceed to the Bar of the Senate and they were administered the Constitutional Oath of Office.

Governor Notified

The Committee to Notify the Governor that the Senate was organized appeared at the Bar of the Senate and Senator Phillips for the committee notified the President and the Senate that it had performed the duty assigned.

House Notified

The Committee to Notify the House that the Senate is organized appeared at the Bar of the Senate, and Senator Colson for the committee notified the President and the Senate that it had performed the duty assigned it.

Senate Notified

A committee from the House appeared at the Bar of the Senate and Representative LaValle for the committee announced that the House of Representatives was organized and ready to transact business.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
July 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 1, Providing for a Joint Session at 10:30 a.m., July 17, 1959, to hear the Governor's Message.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Concurrent Resolution 1

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 1, Providing Joint Session at 10:30 o'clock a.m. to hear Governor's Message.

The resolution was read and was adopted.

**Committee to Escort Governor Daniel
to the Joint Session**

The President announced the appointment of the following committee pursuant to the provisions of H. C. R. No. 1 to escort Governor Daniel to the Joint Session:

Senators Aikin, Krueger, Kazen, Roberts and Moffett.

Joint Session

(To hear address of Governor
Price Daniel)

The President announced at 10:25 a.m. that the time had arrived pursuant to the provisions of H. C. R. No. 1 for the Joint Session to hear the address of Governor Price Daniel.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 10:25 o'clock a.m.

The President was invited to occupy a seat on the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President called the Senate to order, and announced a quorum of the Senate present.

Honorable Waggoner Carr, Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and an-

nounced a quorum of the House present.

The Honorable Price Daniel, Governor of the State of Texas, and party was announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's rostrum by Senators Aikin, Kazen, Krueger, Roberts and Moffett, on the part of the Senate, and Representatives Bates, Cannon, Parish, Foreman and Winston, on the part of the House.

The Speaker of the House presented the Honorable Price Daniel, Governor of Texas, to the Joint Session.

Governor Daniel addressed the Joint Session as follows:

TO THE MEMBERS OF THE 56TH LEGISLATURE, THIRD CALLED SESSION:

Last night I received a message, apparently intended for encouragement and consolation. It read as follows:

"If as first you don't succeed, try, try again. Remember Governor Dan Moody had to call five special sessions to meet the financial needs of his administration."

I appreciate the thoughtfulness of that message but I hope it won't put ideas in anybody's head. I am perfectly willing for Governor Moody's record to stand. I am sure you and I share the same hope that the unfinished business of the Regular Session and two Called Sessions can be completed in less than the 30 days which are set aside for this session.

As you know, this State's financial crisis grows greater with every day of delay in the effective date of a new tax bill. If it takes the entire 30 days of this Third Called Session to enact a tax bill, the total bill must contain about \$7 million in higher rates or additional taxes than would have been necessary last night—assuming that it is a 90-day bill—effective 90 days after adjournment.

On the other hand, action and adjournment of this session in 10 days or two weeks would lessen your total tax rates or items anywhere from \$2.3 million to \$3.5 million.

Since you have had exhaustive hearings in the Regular Session and two Called Sessions on practically every type of tax proposed, I hope that expeditious action is within the realm

of possibility. Time is truly of the essence.

There are many present State services, payments, salaries and pensions which cannot be continued on schedule after August 31st unless a general appropriation bill and an adequate tax bill are enacted within 30 days from this date.

For instance, there is no time for another Special Session if 225,000 Old Age Pension checks are to be written and mailed on schedule as of September 1st. For these checks to go out on time, the new appropriation bill must be in effect on August 15th—30 days from today. This is because the Federal share of Old Age Pension checks cannot be obtained from Washington until the new State Appropriation Bill is certified, transmitted and accepted in Washington. Mr. John Winters, Director of the Department of Public Welfare, advises that he should have a minimum of two weeks to provide for the 225,000 checks scheduled to be mailed to old age pensioners on September 1.

Furthermore, unless a general appropriation bill is enacted before September 1st, there is not one State salary, pension, or payment to the public schools, colleges, or hospitals that can be made. The present two-year appropriation bill expires at midnight August 31st. Our Constitution prohibits appropriations for a period of more than two years and therefore all salaries and functions of State government will be cut off until a new general appropriation bill is enacted.

I have been surprised to find that some members of the Legislature were led to believe, in speeches during the recent tax debates, that highway construction, farm-to-market roads, old age pensions, and the minimum foundation school program, as well as all other services with ear-marked funds, could continue regardless of the status of the general revenue fund, or the failure to enact a new appropriation bill. As most of you know, this simply is not true. Even ear-marked funds cannot be spent after August 31st unless there is a new appropriation bill authorizing such expenditures. A new general appropriation bill cannot become effective until the Comptroller certifies that funds will be available to pay the entire bill.

Such is the extent of the financial crisis which faces this Third Special Session. I had hoped that we would never allow delay and differences of opinion to push this State so near the

brink of financial disaster or so near to comparison with the State of Michigan, which is already without funds to operate its colleges and other services.

As we meet in this precarious position, I hope and pray that personalities and differences of the past will be laid aside and that all officials and citizens alike will cooperate in seeing that we meet the responsibility which is so important to the people of our State. I pledge you my cooperation and assistance in every way possible.

There is not much more that I can say on this occasion. I have previously made detailed recommendations for a budget and a tax program. It is entirely up to the Legislature to accept or reject part or all of these recommendations. A year before this Legislature convened in January, with the assistance of an able staff, I began a study of a revenue program which would be as fair as possible to all concerned and at the same time meet the needs of a growing State. For many months I studied the tax structures of the other States, as well as our own. After this intensive study, and having the benefit of the work of the Texas Research League and the Tax Study Commission, I made recommendations to you in January and again in the First Called Session which I am still convinced are fair and reasonable. Together with some of the additions agreed upon by both Houses, they are certainly adequate. They look as good to me now as they did when I first recommended them to you over six months ago. Therefore, with one exception, I renew these recommendations and hope that some of them will be of assistance in arriving at the final decision which is yours alone to make.

The single change in my recommendations is that the severance beneficiary tax on natural gas be set at one-half cent per thousand cubic feet and that no fall-back be included on producers of gas. This flat rate per M.C.F., rather than 3%, is a higher tax on average priced gas than previously recommended. It would raise \$40 million for the biennium.

I think the higher rate is fully justified in view of the fact that the producers would be relieved of liability and the entire tax would fall on natural gas pipelines and other severance beneficiaries whom I consider more responsible for the long delay and the need for additional taxes than anyone else.

Many segments of business and industry have opposed the taxes which would apply to them, but through the past six months and throughout the history of Texas I doubt that there has ever been a more powerful or more arrogant group of lobbyists than those who have declared that Texas shall not have a tax bill if it includes anything levied directly on the gas pipeline companies.

Their main cry has been "Tax the people—not the pipelines." As for me, I think pipelines ought to be taxed as much as people, and I repeat to you again that I believe a vast majority of the citizens of this State agree with this position.

I know of no reason why gas pipeline companies should hold a more safe and sacred position in the halls of this Capitol than the people who buy automobiles, cigarettes, radios, and air conditioners.

The pipeline lobby's alternative plea is—if you are not going to put all the tax on the people, you must put gas' share on the producers instead of the pipelines.

Everyone knows that natural gas should bear a heavier load of the tax burden of this State. There are very few members of either House who would want to vote for final passage of a tax bill of the magnitude now under consideration without placing part of the burden on natural gas. Even the lobbyists for the long-line pipeline companies know this. However, they plead, "Put the tax on the producers and royalty owners and not on the pipeline companies." Here we have the biggest issue which has contributed to the delay and disagreement in arriving at a tax bill.

I do not want to widen the breach which now exists between those who differ as to whether the tax should be placed on the producers or the pipelines, but I cannot pass this opportunity to once again tell you why I have recommended that the pipeline companies and other severance beneficiaries are the ones who should bear the new tax.

In the first place, Texas already has a 7% tax on natural gas producers and royalty owners. There are literally thousands of these producers and landowners who have been paying the production tax for many years.

On the other hand, the natural gas pipeline companies which have tied up most of the gas reserves of this State for as long as 20 years, have gone scot free of any direct taxation, except for

a puny enforcement tax which raises less than \$1 million per year. Their billions of dollars worth of dedicated reserves held under Texas soil constitute valuable property rights, and their occupation of obtaining production from these reserves is a valuable occupation which is not being taxed.

As early as 1951 the Texas Legislature attempted to place a tax on these pipelines—the same identical tax as was levied by the State of Louisiana. They contested the Texas law and had it declared unconstitutional, but they did not contest the Louisiana law. Texas was required to refund these companies over \$31 million, but many of the same companies continued to pay this same tax to Louisiana even after it had been doubled to 1 cent per MCF. Texas and Louisiana laws were the same, but the long-line gas companies did not treat Texas and Louisiana the same. While they were making our State refund \$31 million, they continued to pay the same tax to Louisiana at twice the Texas rate. If they had continued to pay Texas at its lower rate, we would have collected from this tax more than \$133 million during the past seven years.

Is this the kind of treatment that entitles these gas pipeline companies and their lobbyists to hold such a hallowed place in these halls that no tax shall be placed directly upon their business?

My predecessor in this office did not think so. Governor Shivers recommended to both the Regular Session in 1953 and to the First Called Session in 1954 the levy of the same tax which I recommend to you today. In his message on March 15, 1954, Governor Shivers said:

"To replace that unconstitutional gas-gathering tax, I recommend the enactment of a similar tax carefully revised to eliminate legal pitfalls, in the amount of one-half cent per thousand cubic feet . . .

"This new gas-gathering tax will be presented for your study in a form prepared and approved by some of the best legal minds in the State of Texas. They think it is constitutional, and so do I."

The bill which I have recommended was taken from the draft referred to by my predecessor and from a draft introduced in the Senate by Senator Hardeman and revised in light of more recent court decisions. A chief objection raised by the pipeline companies is that the tax is unconstitu-

tional. If that be true, why on earth have they fought us so hard for these past six months? The truth is that they fear that the tax is constitutional and simply do not want to pay it. The Attorney General of Texas has held the bill to be constitutional, and that is the highest authority to guide our consideration until after the bill is enacted.

For six months the gas pipeline companies have also hidden behind the skirts of a few Texas chemical, aluminum, and other industries which have dedicated gas reserves and are, therefore, severance beneficiaries. They have intimated that this tax would keep them from expanding or make them locate their new plants in other States. Never has a Legislature been more completely deceived. A one-half cent per thousand cubic feet on natural gas would still leave this Texas fuel so much cheaper for local industries that no other State except New Mexico could even compare with us.

Some of these concerns named Louisiana, Alabama, and South Dakota as States in which they might locate. It is interesting to note that the average price paid for industrial gas in Texas in 1957 was 12.1¢ per MCF. In Louisiana it was 14.8¢; in Alabama, 25.5¢; and in South Dakota, 28.9¢. I have attached to this message and will have copies available for all of you a chart prepared by the United States Bureau of Mines showing the average cost of gas for industrial use in every State in the Union. A mere reading of this report will satisfy you that a one-half cent per thousand cubic feet on the industries which hold dedicated gas reserves would still leave them with the cheapest gas in the Nation, except for New Mexico whose volume and competition are not even comparable.

The main thing is that industrial users here in Texas have only a small percentage of the natural gas reserves of this State under dedicated contract and would pay only a small percentage of this tax. The natural gas pipeline companies have over 80% of Texas gas reserves tied up under contract and are now transporting over 53% of our total marketed production into other States which collect from three to nine times as much on this gas as we collect here in Texas.

Should we add more tax on Texas producers and royalty owners, or should it be levied on the pipeline

companies which will collect over half of it from other States?

If the people have elected to this Legislature a majority in either House who believe that this portion of our new taxes should be levied on Texas consumers and on Texas producers and royalty owners instead of the gas pipeline companies, I shall respect, though disagree, with the majority view.

In that event, the necessary taxes must be raised from Texas people instead of interstate pipelines.

It was only during the last session when both Houses of the Legislature voted against the severance beneficiary tax that I reluctantly said that an alternative method should be accepted in order that the State government might continue to function. I did not for one minute abandon my determination that the gas pipeline tax should be enacted at a future date. Another opportunity is now before us. I solicit your consideration and hope that it will be accepted. I shall continue my fight for this tax at every opportunity until it is enacted. The will of the people of Texas on this subject will not be defeated forever.

I further call your attention and urge your consideration of the Abandoned Property-Escheat Bill which, if enacted, would bring in a minimum of \$25 million during the next biennium. By merely collecting the money which now belongs to the State under the present escheat law and is being used by banks, oil companies, and other institutions, you will save the taxpayers of this State \$12½ million per year. I sincerely hope that in our present financial condition you will no longer neglect or ignore this State money which it is our duty to collect and preserve as much as any other funds which belong to the State. I appeal to those who have opposed and defeated this measure in the House to revive it in your own language and at least provide for this money to be reported to the State and give the Attorney General the necessary authority to collect it through court judgments.

These recommendations merely supplement what I have heretofore presented. Whatever may be your opinion or decision, I assure you of my cooperation and will hold myself and my staff available to assist in any manner toward finally arriving at a solution which will meet the needs of our State and our people.

The President announced the purpose of the Joint Session concluded and requested the Senate to retire to its Chamber.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:27 o'clock a.m.

Election of President Pro Tempore

The President announced the election of the President pro tempore for the Third Called Session of the Fifty-sixth Legislature as the next order of business.

Senator Aikin nominated the Honorable Abraham Kazen Jr. of Laredo, Texas, to be President pro tempore.

Senators Moffett, Crump, Hardeman, Dies, Reagan, Krueger, Owen, Secrest, Gonzalez and Willis seconded the nomination of Senator Kazen for President pro tempore for the Third Called Session of the Fifty-sixth Legislature.

Senators Hardeman and Krueger were appointed as tellers to take up and cast the ballots.

The ballots were taken up and counted and the result was announced as follows:

Senator Kazen received 25 votes with 1 present not voting.

The President declared that the Honorable Abraham Kazen Jr. had been duly elected President pro tempore of the Senate for the Third Called Session of the Fifty-sixth Legislature and Senators Aikin, Reagan and Fuller were appointed to escort Senator Kazen and family to the President's rostrum.

Senator Kazen was then administered the Constitutional Oath of Office as President pro tempore for the Third Called Session of the Fifty-sixth Legislature by the President.

The President then presented Senator Kazen as the President pro tempore for the Third Called Session of the Fifty-sixth Legislature.

Senator Kazen presented his wife, Mrs. Connie Kazen, his children Jo Betsy, Abraham III, Catherine and his sister Mrs. Anthony Ferris to the Members of the Senate. His other daughter, Christiana, was absent today as she was visiting in Mississippi.

Senator Kazen then addressed the Senate thanking them for the honor bestowed upon him and expressing appreciation for the kindnesses and courtesies extended to him and to his family and asked God's blessing upon each and every one.

Message from the House

Hall of the House of Representatives
Austin, Texas,
July 17, 1959

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 2, Pertaining to the salaries of the Members of the Fifty-sixth Legislature, Third Called Session.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Recess

On motion of Senator Hardeman the Senate at 12:01 o'clock p.m. took recess until 10:30 o'clock a.m. on Monday, July 20, 1959.

FIRST DAY

(Continued)

(Monday, July 20, 1959)

After Recess

The Senate met at 10:30 o'clock a.m., and was called to order by the President Pro Tempore.

Senate Resolution 3

Senator Aikin offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. John Porter of Blossom, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 4

Senator Reagan offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Alan Mitchell of Houston, Texas; and

Whereas, We desire to welcome this fine young Texan to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

REAGAN
BAKER

The resolution was read and was adopted.

Recess

On motion of Senator Hardeman the Senate at 10:35 o'clock a.m. took recess until 3:00 o'clock p.m. today.

After Recess

The President Pro Tempore called the Senate to order at 3:00 o'clock p.m. today.

Recess

On motion of Senator Hardeman the Senate at 3:03 o'clock p.m. took recess until 2:00 o'clock p.m. tomorrow.

Record of Vote

Senator Willis asked to be recorded as voting "Nay" on the motion to recess.

FIRST DAY

(Continued)

(Tuesday, July 21, 1959)

After Recess

The Senate met at 2:00 o'clock p.m., and was called to order by the President Pro Tempore.

Senate Resolution 5

Senator Reagan offered the following resolution:

Whereas, Joseph Munoz, 15 years of age, son of Sgt. and Mrs. Robert